

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONNA HINES,  
Plaintiff,  
v.  
CALIFORNIA PUBLIC UTILITIES  
COMMISSION, AROCLES AGUILAR, DANA S.  
APPLING, ROBERT J. WULLENJOHN, STATE  
PERSONNEL BOARD, GREGORY W. BROWN and  
FLOYD D. SHIMOMURA,  
Defendants.

No. C 07-04145 CW  
ORDER ON PLAINTIFF'S  
MOTION FOR  
TRANSCRIPT  
DESIGNATION AND  
DENYING PLAINTIFF'S  
REQUEST FOR COURT  
PAYMENT OF  
TRANSCRIPT FEES  
(Docket No. 409)

On September 24, 2010, Plaintiff Donna Hines, who is proceeding pro se, filed a motion "to designate transcript of the case record and 'civil docket.'" Mot. at 2. In her motion, she also requests that any transcripts in her action be "ordered at government expense." Id. at 3.

Plaintiff apparently seeks an order designating all documents filed in her action to be part of the record on appeal. Such an order is not necessary. In reviewing Plaintiff's case, the Ninth Circuit will have access to the documents filed in this Court's record with the Clerk of this Court. Ninth Circuit Rule 10-2 provides that the complete record on appeal consists of "(a) the official transcript of oral proceedings before the district court ('transcript'), if there is one; and (b) the district court clerk's record of original pleadings, exhibits and other papers filed with

1 the district court ('clerk's record')." See also Fed. R. App. P.  
2 10(a). For Plaintiff's reference, a copy of this Court's record is  
3 attached to this Order.

4 Although neither the Court nor Plaintiff must designate  
5 documents for review, Plaintiff must identify the transcripts of  
6 oral proceedings, or portions thereof, that she intends to be part  
7 of the record on appeal. To do so, she must file a Transcript  
8 Designation and Ordering Form. Plaintiff states that she did not  
9 receive a Transcript Designation and Ordering Form with the Ninth  
10 Circuit's Time Schedule Order and that her current motion  
11 represents her notice to this Court and Defendants that she intends  
12 to order transcripts of oral proceedings in her case. She has not,  
13 however, filed the necessary form, which is available from this  
14 Court's Clerk's Office or on this Court's website.

15 Because Plaintiff's case is on appeal, she must follow the  
16 Federal Rules of Appellate Procedure and the Ninth Circuit Rules.  
17 The Court notes that Ninth Circuit Rule 10-3.1(a) states,

18 Unless the parties have agreed on which portions of the  
19 transcript to order, or appellant intends to order the  
20 entire transcript, appellant shall serve appellee with a  
21 notice specifying which portions of the transcript  
22 appellant intends to order from the court reporter, as  
23 well as a statement of the issues the appellant intends  
24 to present on appeal. In the alternative, appellant  
25 shall serve on appellee a statement indicating that  
26 appellant does not intend to order any transcripts. This  
27 notice and statement shall be served on appellee within  
28 10 days of the filing of the notice of appeal or within  
10 days of the entry of an order disposing of the last  
timely filed motion of a type specified in FRAP 4(a)(4).

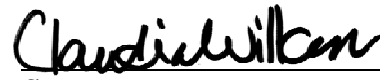
25 If Plaintiff intends to seek relief from this Ninth Circuit Rule or  
26 any others, she must file a motion with the court of appeals, not  
27 this Court.

28 Finally, Plaintiff asks that transcripts be provided at

1 government expense "on the basis of economic hardship." Mot. at 3.  
2 However, she has not sought to proceed in forma pauperis and there  
3 is no evidence of her financial status. Accordingly, Plaintiff's  
4 request is DENIED. (Docket No. 409.)

5 IT IS SO ORDERED.

6 Dated: 10/6/2010



CLAUDIA WILKEN  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DONNA HINES,

Plaintiff,

v.

CALIFORNIA PUBLIC UTILITIES  
COMMISSION et al,

Defendant.

Case Number: CV07-04145 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 6, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Donna Hines  
268 Bush Street, #3204  
San Francisco, CA 94104

Dated: October 6, 2010

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California